

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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MAY 29 2013

  
CLERK  
DEPUTY

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

RAMONA MARCEAUX

\* CIVIL ACTION NO. 12-1180

VERSUS

\* JUDGE HAIK

COMMISSIONER OF SOCIAL

\* MAGISTRATE JUDGE HILL

SECURITY

JUDGMENT

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Commissioner's decision is REMANDED to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).<sup>1</sup> This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge: (1) to re-contact Dr. Lagarde for clarification, or have

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<sup>1</sup>A fourth sentence remand constitutes a “final judgment” that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5<sup>th</sup> Cir. 1993).

one of claimant's treating physicians or another consultative examiner issue an opinion regarding claimant's mental residual functional capacity, and (2) to assess claimant's physical residual functional capacity. Claimant shall be afforded the opportunity to submit additional evidence, and to testify at a supplemental hearing with vocational expert testimony, if the Administrative Law Judge deems it necessary after the RFC determination on remand.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 28 day of

May, 2013.

  
RICHARD T. HAIK  
UNITED STATES DISTRICT JUDGE